

Remarks

Claims 1-5, 7, 8 and 10-20 are pending in the subject application. Applicant respectfully requests that the amendment to dependent claims 7 and 8 be entered and that claims 1-5 and 10-17 be canceled. Claim 7 has been amended to depend on allowed independent claim 18, and the preambles of claims 7 and 8 have been amended to be consistent with allowed claim 18. Applicant respectfully submits that the amendments do not introduce new limitations which require further search by the Examiner since claims 7 and 8 were presented in the originally filed claims and, as such, have already been searched by the Examiner.

No new matter has been added to the application by virtue of the present amendment.

Claim Rejections - 35 U.S.C. § 103(a)

The Examiner stated that claims 1-5, 7 and 8 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Kaneoya in view of Shiiki.

Regarding the rejection of claims 1-5, Applicant respectfully requests that claims 1-5 be canceled.

The Examiner has indicated that claims 18-20 are allowed. Regarding claims 7 and 8, Applicant respectfully requests that claim 7 be amended to be dependent upon allowed independent claim 18. Claim 8 is dependent upon claim 7. Claims 7 and 8, as amended, are directed to the composition and thickness of the “dielectric layer” as recited in claim 18 which is the same “dielectric layer” as that recited in canceled claim 1.

Therefore, Applicants respectfully traverse the rejection under 35 U.S.C. § 103(a) and submit that the rejection to the claims has been overcome.

Allowable Subject Matter

Applicant expresses appreciation for the Examiner's indication of allowable subject matter. The Examiner has indicated that claims 18-20 are allowed. As discussed herein above, Applicant respectfully requests that claim 7 be amended to be dependent upon claim 18. Therefore, claims 7 and 8 are also in condition for allowance.

Conclusion

In light of the foregoing remarks, all of the claims now presented are believed to be in condition for allowance, and Applicant respectfully requests that the outstanding rejections be withdrawn and this application be passed to issue at an early date.

The Examiner is urged to call the undersigned at the number listed below if, in the Examiner's opinion, such a phone conference would aid in furthering the prosecution of this application. No fee is due by virtue of this amendment. However, if the PTO determines that a fee is required, please charge Applicant's Deposit Account, 09-0456. If any extensions or fees are not accounted for, such extension is requested and the associated fee should be charged to our deposit account.

Respectfully submitted,
For: Ebenezer E. Eshun

By: /Anthony J. Canale/
Anthony J. Canale
Registration No. 51,526
Telephone No.: (802) 769-8782
Fax No.: (802) 769-8938
EMAIL: acanale@us.ibm.com

International Business Machines Corporation
Intellectual Property Law - Mail 972E
1000 River Road
Essex Junction, VT 05452